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REMARKS

Claims 108-109, 114-117, 120-123 and 128-138 are pending in the application.

Applicants acknowledge with appreciation that claims 134 and 137 would be allowable if re-written in independent form.

Dependant claim 108 has been amended to incorporate the limitations of claim 134 to which no rejections apply. Accordingly, claim 134 has been cancelled.

Claim 117 has been amended to delete the word 'about' which is objected to by the Examiner.

Claim 135 has been amended to provide proper dependency.

Claim 137, to which no rejections apply, has been cancelled and rewritten as new independent claim 145.

New claims 146-162 depend from claim 145 and are duplicative of original claims 109 - 133, 135-136 and 138.

Accordingly, claims 108-109, 114-117, 120-123, 128-133, 135, 136, 138 and 145-162 will be pending upon entry of this amendment.

The foregoing claim amendments should not be construed as an acquiescence to any of the Examiner's rejections and have been made solely to expedite prosecution.

No new issues have been raised and no additional search should be required based on the foregoing amendments. Accordingly, Applicants respectfully request that the amendments be entered. Applicants reserve the right to pursue the claims as originally filed in this or a separate application. No new matter has been added.

Rejection of Claim 117 Under 35 U.S.C. § 112, First Paragraph

Claim 117 is rejected as failing "to comply with the written description requirement." In particular, the Examiner is of the opinion that claim 117 "contains new matter by reciting 'about' the percentage value."

While in no way acquiescing to the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have amended claim 117 to delete the word 'about,' thereby rendering the rejection moot. Accordingly, Applicants respectfully request that the Examiner

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to reconsider and withdraw the rejection of claim 117.

Rejection of Claims 108-109, 114-117, 120-123, 128-133 and 138

Under 35 U.S.C. § 103(a)

Claims 108-109, 114-117, 120-123, 128-133 and 138 are rejected under 35 U.S.C. §103(a) "as being unpatentable over Gefter et al. (WO93/1978) in light of Briner et al." In particular, the Examiner is of the opinion that the "the PI defined by Gefter et al., reflects the percentage of individuals that show positivity responses (as measured by a T-cell stimulation index)." From this, the Examiner concludes that "it would have been obvious to set a lower limit upon the 'PI,' to assure that a substantial portion of individuals may be effectively treated."

While in no way acquiescing to the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have amended claim 108 and dependant claims thereof to incorporate the limitations of claim 134. Claim 134 is not subject to the abovementioned rejection. Therefore, this rejection is now moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 108-109, 114-117, 120-123, 128-133 under 35 U.S.C. § 103(a).

Rejection of Claims 108-109, 114-117, 120-123, 128-133 and 138

Under 35 U.S.C. § 103(a)

Claims 108-109, 114-117, 120-123, 128-133 and 138 are rejected under 35 U.S.C. § 103(a) "as being unpatentable over Gefter et al. in light of Briner et al. and in view of Griffith et al. (US5,710,126)." In particular, the Examiner is of the opinion that "Griffith et al. teach that it was known to select therapeutic peptides according to both a stimulation index and a positivity index." Furthermore, the Examiner states that Applicant "has no data demonstrating that '150' is better than '100' or '200' taught by Griffith et al."

While in no way acquiescing to the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have amended claim 108 and dependant claims thereof to incorporate the limitations of claim 134. Claim 134 is not subject to the abovementioned rejection. Therefore, this rejection is now moot. Accordingly, Applicants respectfully

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request that the Examiner reconsider and withdraw the rejection of claims 108-109, 114-117, 120-123, 128-133 under 35 U.S.C. § 103(a).

Rejection of Claims 108-109, 114-117, 120-123, 129, 131, 133 and 138

Under 35 U.S.C. § 103(a)

Claims 108-109, 114-117, 120-123, 131, 133 and 138 are rejected under 35 U.S.C. § 103(a) "as being unpatentable over Rogers et al. (WO93/08200) as evidenced by Briner et al. and in view of Griffith et al. (US5,710,126)." In particular, the Examiner is of the opinion that Rogers et al. teaches "the therapeutic use of peptides, which have a T cell stimulation index of at least 3.5." Furthermore, the Examiner states that Griffith et al. teach to select for "therapeutic peptides according to a stimulation index and positivity index."

While in no way acquiescing to the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have amended claim 108 and dependant claims thereof to incorporate the limitations of claim 134. Claim 134 is not subject to the abovementioned rejection. Therefore, this rejection is now moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 108-109, 114-117, 120-123, 131, 133 and 138 under 35 U.S.C. § 103(a).

Rejection of Claims 136 Under 35 U.S.C. § 103(a)

Claim 136 is rejected under 35 U.S.C. § 103(a) "as being unpatentable over Gefter et al. in light of Briner et al. as applied to claim 108 and in further in view of Litwin et al." In particular, the Examiner is of the opinion that Litwin et al. show that, "in treating allergic patients with a mixture of peptides, it was known to increase the subcutaneously administered doses gradually, during initial treatment regimen." The Examiner further states, "it would have been obvious to likewise administer the peptides ... according to a regimen that would permit one to check for adverse reactions to the treatment before giving the highest doses."

While in no way acquiescing to the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have amended claim 108 and dependant claims thereof to incorporate the limitations of claim 134. Claim 134 is not subject to the abovementioned

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rejection. Therefore, this rejection is now moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 136 under 35 U.S.C. § 103(a).

Rejection of Claims 136 Under 35 U.S.C. § 103(a)

Claim 136 is rejected under 35 U.S.C. § 103(a) "as being unpatentable over Gefter et al. in light of Briner et al. and in view of Griffith et al. as applied to claim 108, and in further in view of Litwin et al."

While in no way acquiescing to the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have amended claim 108 and dependant claims thereof to incorporate the limitations of claim 134. Claim 134 is not subject to the abovementioned rejection. Therefore, this rejection is now moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 136 under 35 U.S.C. § 103(a).

Rejection of Claims 136 Under 35 U.S.C. § 103(a)

Claim 136 under 35 U.S.C. § 103(a) "as being unpatentable over Rogers et al. in light of Briner et al. and in view of Griffith et al. as applied to claim 108, and in further in view of Lirwin et al."

While in no way acquiescing to the Examiner's rejection, and solely in the interest of expediting prosecution, Applicants have amended claim 108 and dependant claims thereof to incorporate the limitations of claim 134. Claim 134 is not subject to the abovementioned rejection. Therefore, this rejection is now moot. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 136 under 35 U.S.C. § 103(a).

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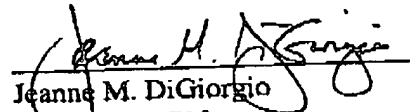
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CONCLUSION

Based on the foregoing, reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 227-7400.

Respectfully submitted,


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